

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|-------------------|
| CORY BRADLEY, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | No. 4:12CV556 HEA |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

ORDER OF DISMISSAL

This matter is before the Court upon review of movant’s “Response to Court Order” [Doc. #6].¹ Having carefully reviewed movant’s response, the Court concludes that movant’s arguments are without merit and that the instant action is time-barred under 28 U.S.C. § 2255(1).²

Accordingly,

¹On April 24, 2012, this Court entered a Opinion Memorandum and Order instructing movant to show cause as to why the Court should not dismiss the instant motion to vacate, set aside, or correct sentence as time-barred [Doc. #5].

²Movant claims his counsel was ineffective because he told movant “that the 2255 motion would not be successful being that the direct appeal was not successful.” Movant asserts that this information was misleading and led to his untimely filing.

IT IS HEREBY ORDERED that no order to show cause shall issue as to respondent, because the instant 28 U.S.C. § 2255 motion is time-barred.

IT IS FURTHER ORDERED that movant's motion pursuant to 28 U.S.C. § 2255 is **DENIED**.

IT IS FURTHER ORDERED that movant is **DENIED** a certificate of appealability if he appeals this Order of Dismissal.

Dated this 4th day of May, 2012.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE